

1 Lauren M. Hausman (CA Bar No. 349514)

**COPYCAT LEGAL PLLC**

2 113 N San Vicente Blvd

Suite 232

Beverly Hills, CA 90211

3 T: (877) 437-6228

E: [lauren@copycatlegal.com](mailto:lauren@copycatlegal.com)

4 Jonathan Alejandrino, *pro hac vice*

**COPYCAT LEGAL PLLC**

5 3111 North University Drive

Suite 301

6 Coral Springs, FL 33065

T: (877) 437-6228

7 E: [jonathan@copycatlegal.com](mailto:jonathan@copycatlegal.com)

8 Attorneys for Plaintiff

9 Michael Grecco Productions, Inc.

10  
11 IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 MICHAEL GRECCO  
13 PRODUCTIONS, INC.

14 Plaintiff,

15 v.

16 TIKTOK, INC.

17 Defendant.  
18

Civil Action No. 2:24-cv-04837-FLA-  
MAR

**DECLARATION OF JONATHAN  
ALEJANDRINO**

19 Jonathan Alejandrino does hereby declare pursuant to 28 U.S.C. § 1746:

20 1. I am over the age of 18 and otherwise competent to testify.

2. I submit this declaration in support of plaintiff Michael Grecco Productions, Inc.'s ("Plaintiff") Motion for Partial Summary Judgment against defendant TikTok, Inc. ("Defendant"). I am counsel of record for Plaintiff. This declaration and the facts stated herein are based upon my personal knowledge.

3. A true and correct copy of the July 10, 2025, Deposition Transcript of Jemi B (the 30(b)(6) representative for Defendant) (the “Boutros Tr.”) is attached hereto as **Exhibit “A.”**

4. A true and correct copy of the July 18, 2025, Deposition Transcript of Mihcael Grecco (the sole owner of/ the 30(b)(6) representative for Plaintiff) (the Grecco Tr.) is attached hereto as **Exhibit “B.”**

5. A true and correct copy of Defendant's Responses to Plaintiff's First Requests for Admission is attached hereto as **Exhibit "C."**

6. A true and correct copy of Defendant's Responses to Plaintiff's First Set of Interrogatories is attached hereto as **Exhibit "D."**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: August 22, 2025.

/s/ Jonathan Alejandrino  
Jonathan Alejandrino, Esq.

**EXHIBIT “A”**

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

4

1	PLAINTIFF'S EXHIBITS		
2	NUMBER	DESCRIPTION	PAGE
3	Exhibit 1	Notice of Taking 30(b)(6) Deposition	8
4	Exhibit 2	Service Provider/Designated Agent Info	32
5	Exhibit 3	Copyright Infringement Notice 1/26/2024	50
6	Exhibit 4	Copyright Infringement Notice 3/20/2024	53
7	Exhibit 5	Copyright Infringement Notice 3/19/2024	55
8	Exhibit 6	Copyright Infringement Notice 3/19/2024	56
9	Exhibit 7	Copyright Infringement Notice 3/21/2024	57
10	Exhibit 8	Copyright Infringement Notice 3/27/2024	59
11	Exhibit 9	Copyright Infringement Notice 3/18/2024	60
12	Exhibit 10	Copyright Infringement Notice 3/6/2024	60
13	Exhibit 11	Copyright Infringement Notice 12/27/2023	62
14	Exhibit 12	Copyright Infringement Notice 2/21/2024	69
15	Exhibit 13	Copyright Infringement Notice 10/29/2023	70
16	Exhibit 14	Copyright Infringement Notice 11/6/2023	71
17	Exhibit 15	Copyright Infringement Notice 10/13/2023	72
18	Exhibit 16	Copyright Infringement Notice 3/12/2024	73
19	Exhibit 17	Copyright Infringement Notice 3/15/2024	74
20	Exhibit 18	Copyright Infringement Notice 10/13/2023	75
21	Exhibit 19	Copyright Infringement Notice 2/12/2024	75
22	Exhibit 20	Copyright Infringement Notice 11/17/2023	76
23	Exhibit 21	Copyright Infringement Notice 2/28/2024	77
24			
25	Cont'd		

Daughters Reporting, Inc.  
Fort Lauderdale, Florida 954-755-6401

ory

## Service Provider History:

Effective: January 31, 2025 to Present (Active) ▼

Service Provider/Designated Agent Information	
Service Provider:	TikTok Inc. 5800 Bristol Parkway Suite 100 Culver City, CA 90230
Designated Agent:	TikTok Intellectual Property Team TikTok Inc. 5800 Bristol Pkwy Suite 100 Culver City, CA 90230 Phone: (213) 643-3698 Email: copyright@tiktok.com
Status:	Active
Effective:	January 31, 2025 to Present

## Alternate Names

Search:

Tik Tok

TikTok

TikTok App

TikTok Shop

musical ly

musical.ly

musical.ly app

musically

musically app

www.tiktok.com

Showing 1 to 10 of 10 entries

Back to Search

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

16

1 those terms that they agree to?

2 A Yes.

3 Q Does TikTok have sort of overbroad  
4 standards or policies that guide what can be posted  
5 on TikTok's platform?

6 A The question is generalization of  
7 community guidelines?

8 Q Correct.

9 A So on TikTok, there are different  
10 verticals of community guidelines that are  
11 specified.

12 Q And if a video violates those guidelines,  
13 how can that be reported?

14 A A user can report in-app or on the most  
15 relevant Web form report so it gets to the proper  
16 team for review.

17 Q If it's not a user, then it would be those  
18 mechanisms you discussed earlier?

19 A Yes.

20 Q Is there any human review?

21 A Yes.

22 Q When does that occur?

23 A So human review happens when a video is  
24 flagged by those strategy mechanisms I was referring  
25 to earlier, as well as when someone, a human,

6           A     I can speak to the IP side, but not for  
7     the rest of the community guidelines, I would say.

Daughters Reporting, Inc.  
Fort Lauderdale, Florida 954-755-6401





CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

20

1	[REDACTED]
■	[REDACTED]
■	[REDACTED]
■	[REDACTED]
■	[REDACTED]
■	[REDACTED]
■	■ [REDACTED]
■	[REDACTED]
■	■ [REDACTED]
■	[REDACTED]
■	[REDACTED]
■	[REDACTED]
■	■ [REDACTED]
■	[REDACTED]
■	[REDACTED]
■	■ [REDACTED]
■	[REDACTED]
■	[REDACTED]
■	■ [REDACTED]
■	[REDACTED]
■	[REDACTED]
■	■ [REDACTED]
■	[REDACTED]
■	[REDACTED]
■	■ [REDACTED]
■	[REDACTED]
■	[REDACTED]
■	[REDACTED]
■	[REDACTED]

1 of profile clicks.

2 Q Do they keep a record of views and likes  
3 and clicks on a user's post or content?

4 A Yes.

5 Q I want to turn a little bit to the  
6 monetization of users on TikTok.

7 Do any TikTok users, are they monetized or  
8 make money from their content?

9 A Not all users can monetize from their  
10 content. But ones that have been invited to or have  
11 applied to what's called the Creator Program can  
12 then monetize off their content.

13 Q And what's the criteria to be admitted  
14 into the Creator Program?

15 A I'm not sure of all the criterias. I just  
16 know one of them is specific to a number of video  
17 views within 30 days.

18 Q And who is making the determination of  
19 whether or not the user is admitted?

20 A I would say that's out of my scope of  
21 knowledge.

22 Q When a user is admitted into the Creator  
23 Program, is there a written agreement between them  
24 and TikTok?

25 A There's another terms of service agreement

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

25

1 that they have to sign.

2 Q And what are those terms?

3 A I'm not sure what those terms are.

4 Q And if a user is admitted into this  
5 Creator Program, are their posts and content more  
6 closely monitored?

7 A I don't know.

8 Q Is there a requirement that anything they  
9 post or any content they upload requires approval  
10 prior to it being uploaded?

11 A I don't know.

12 Q Of the 24 users that are identified in  
13 this case, are you aware of any of them having a --  
14 or being admitted into the Creator Program?

15 A Yes.

16 Q Which users?

17 A I'm not sure off the top of my head.

18 Q If I was to name the user, would that...

19 A No.

20 Q Are you aware of how many of them are  
21 admitted into the Creator Fund?

22 A No.

23 Q So when a user is admitted into the  
24 Creator Fund, does that mean that their content is  
25 now monetized?

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

26

1           A     I'm not sure of the criteria. Whether all  
2     of the criteria has to be met or some of it, I'm not  
3     sure of those details.

4           Q     Of the 24 users that are in this case,  
5     would you say about half have been admitted into the  
6     Creator Program?

7           A     I truly don't know the answer to that.

8           Q     Do you have, like, a ballpark idea of how  
9     many?

10          A     Not a number, just some of the 24.

11          Q     Less than 10?

12          A     I'm not sure.

13          Q     Now, for this Creator Program and the  
14     users that are able to monetize their content, how  
15     is TikTok benefiting from this arrangement?

16          A     I would say TikTok doesn't necessarily  
17     benefit. I would say that the users who are able to  
18     monetize off of their content are the ones who are  
19     profiting themselves for doing that. TikTok doesn't  
20     necessarily take a cut from those profits gained by  
21     those creators.

22          Q     How does TikTok make money off of people  
23     uploading content?

24          A     I would say, broadly speaking, from my  
25     understanding, TikTok can make money from

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

27

1 advertisements or brand partnerships, maybe through  
2 TikTok Shop sales, but that's probably as much as I  
3 know in terms of concepts of how the company can  
4 make money.

5 Q Does TikTok make money only on users that  
6 are admitted to the Creator Program?

7 A Your question is, does TikTok make money  
8 from creators who make money from the Creator  
9 Program?

10 Q Is it solely those creators?

11 A But TikTok doesn't take a profit from  
12 their funds, so my answer would be no to that.

13 Q So TikTok makes a profit regardless of  
14 whether the content is coming from a user admitted  
15 into the Creator Program?

16 A TikTok generates their money from other  
17 revenue streams. It's not from the creators who are  
18 creating content and monetizing off of it.

19 Q So you mentioned the TikTok Shop.  
20 Sometimes creators advertise products from the  
21 TikTok Shop, correct?

22 A I would say there's more of an affiliate  
23 program. I'm not sure about, like, the advertising  
24 concept with that.

25 Q So in that instance where the creator has

2           A     I don't think so.

4           A       The For You feed that is?

6           A       Yes, yes, yes.

9           A     I couldn't tell you that.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

21 BY MR. ALEJANDRINO:

22 Q What is the Gmail account?

23           A       I don't know.

24 [REDACTED]

\_\_\_\_\_

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

31

■ [REDACTED] [REDACTED] [REDACTED]  
■ [REDACTED]  
■ ■ [REDACTED]  
■ ■ [REDACTED] [REDACTED]  
■ ■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ ■ [REDACTED]  
■ [REDACTED]  
■ ■ [REDACTED]

13 Q And you mentioned that takedown notice can  
14 be submitted in-app or other ways.

15 What are the other ways that it can be  
16 submitted besides in-app?

17 A It could be submitted through in-app,  
18 through the desktop version for Copyright and  
19 Trademark Notice and Takedowns. It can be submitted  
20 if someone sent it to the Gmail inbox. I just don't  
21 know what the e-mail is.

22 And the other way that it could be  
23 submitted is through an internal database where we  
24 have trusted partners who can submit those notice  
25 and takedowns in that system.

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

44

1           A     I think if I was to give further  
2 information on the assessment, it would get into the  
3 policy lines and descriptives and those details,  
4 which I've been advised not to address.

5           Q     Are you aware of whether or not those  
6 policies and guidelines were produced, or was the  
7 privilege also asserted in responding to production  
8 requests?

9           A     I'm not sure if they were produced to your  
10 team.

11          Q     Now, just for my own understanding.  
12                 So when a DMCA takedown is submitted, it's  
13 first routed to -- was it Media Match, the program  
14 you stated?

15          A     So if a report is submitted, it goes first  
16 to the Gmail inbox and then it goes into our  
17 internal system called Media Match and then it goes  
18 into a system called Task Crowding System, TCS for  
19 short, and that is where the IP operator would  
20 review the report and enforce on the content if  
21 needed.

22          Q     Okay. Just to confirm, that Gmail is the  
23 copyright@tiktok.com?

24          A     Correct.

25          ■     ██



CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

47

1 if I've seen this specific one to this user and  
2 video ID, I can't address that. But the nature of  
3 the document you're showing, I'm familiar with it.

4 Q What type of document is this?

5 A This looks to be a DMCA notice off the  
6 bat. I don't know if there's more to scroll  
7 through.

8 Q I'll give it a scroll.

9 A Yes. So this is -- how do I say this --  
10 an e-mailed version versus a template that the Web  
11 form and in-app reporting system has.

12 Q Can you see where this was -- what e-mail  
13 this was addressed to?

14 A Copyright@tiktok.com.

15 Q And is that TikTok's designated DMCA  
16 e-mail?

17 A Correct.

18 Q Can you see when this e-mail was dated?

19 A January 26th, 2024.

20 Q And are you aware of when this e-mail  
21 would have been received?

22 A If the system was working correctly, we  
23 would have received it on that date.

24 Q And when would the e-mail or this document  
25 have been actually viewed?

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

51

1 information that we've already testified is  
2 attorney-client privileged communications.

3 A Well, I was going to say, so the notice  
4 and takedowns received from Mr. Grecco, they were  
5 reviewed by the legal team specifically.

6 BY MR. ALEJANDRINO:

7 Q Is that typical?

8 A Typically, IP ops would have been  
9 involved, but I think given the nature of the  
10 circumstance, that's why it was escalated to the  
11 legal team.

12 Q So in this instance, and I guess with  
13 Mr. Grecco's photos, they were already by the legal  
14 team?

15 A From my understanding.

16 Q Was there any role that an IP operator  
17 played in this review?

18 A Not in these DMCA reviews, no.

19 Q So this was not -- this did not follow the  
20 typical procedure that TikTok has for DMCA takedown  
21 notices; is that fair to say?

22 A Yeah, given the nature of how these  
23 reports were taken into the system.

24 Q And so you said the legal team is the one  
25 who reviewed them and made the determination.

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

53

1 Q So is it fair to say that you are not  
2 familiar nor aware of the reasoning as to why  
3 certain photos at issue were not removed?

4 A Other than saying that it didn't hit the  
5 policy guidelines and that legal made that decision,  
6 I can't speak further to that.

7 MR. ALEJANDRINO: I'm going to show you  
8 what I'm marking as Plaintiff's Exhibit 4.

9 (Whereupon, Plaintiff's Exhibit Number 4  
10 was marked for Identification.)

11 BY MR. ALEJANDRINO:

12 Q Do you see that here?

13 A I see Exhibit 4.

14 Q And what is this document?

15 A It's a Copyright Infringement Notice.

16 Q And can you see who this was e-mailed to?

17 A Copyright@tiktok.com.

18 Q Do you see when this e-mail was dated?

19 A March 20th, 2024.

20 Q And would that have been the same day that  
21 it was received in the Gmail?

22 A In our operations if everything was  
23 working perfectly, that is when we would have  
24 received it.

25 Q Are you aware of when this was actually

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

54

1 received?

2 A I'm not sure of the exact date.

3 Q Are you aware of when it was actually  
4 viewed?

5 A I'm not sure of the exact date of when it  
6 was viewed.

7 Q Do you know when or if this content was  
8 removed?

9 A I don't know if the content was removed.

10 MR. ALEJANDRINO: I'm going to show you  
11 what I'm marking as Plaintiff's Exhibit 5.

12 MR. KEYES: Counsel, I'm sorry. Exhibit  
13 4, at least on my screen, I just saw one page,  
14 but it looks like it's a multiple-page  
15 document. Can we see what it is here?

16 MR. ALEJANDRINO: Absolutely.

17 MR. KEYES: So just for the record, this  
18 appears to be a three-page e-mail with the date  
19 of up at top of March -- well, in the e-mail  
20 itself, yes, March 20th, 2024 at 10:48 p.m.  
21 Thank you.

22 And you said that's Exhibit 4. What was  
23 Exhibit 3?

24 MR. ALEJANDRINO: This one over here, the  
25 previous.

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

56

1 viewed or reviewed this e-mail?

2 A Is the question -- sorry -- asking if I  
3 know or when it was?

4 Q Do you know when it was actually viewed?

5 A I don't know.

6 Q Do you know if this content was removed?

7 A Based on the URL, I can't tell.

8 MR. ALEJANDRINO: I can move on to the  
9 next one. I'm going to be showing you what I  
10 am marking as Plaintiff's Exhibit 6.

11 (Whereupon, Plaintiff's Exhibit Number 6  
12 was marked for Identification.)

13 BY MR. ALEJANDRINO:

14 Q I will go ahead and scroll through the  
15 document for you. It is three pages.

16 Do you know what this document is?

17 A It appears to be an e-mail copy of what  
18 looks to be a Copyright Infringement Notice.

19 Q And who was this addressed to?

20 A The e-mail it was addressed to,  
21 copyright@tiktok.com.

22 Q And can you tell me the date of the  
23 e-mail?

24 A March 19th, 2024.

25 Q When was this received?

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

57

1 A I don't know when it was received.

2 Q When was it viewed?

3 A I don't know when it was viewed.

4 Q Was it removed?

5 A I can't tell based on the URL if it was  
6 removed or not.

7 MR. ALEJANDRINO: I'm now showing you what  
8 I'm marking as Plaintiff's Exhibit 7.

9 (Whereupon, Plaintiff's Exhibit Number 7  
10 was marked for Identification.)

11 BY MR. ALEJANDRINO:

12 Q I will once again scroll through with you.  
13 It's also three pages.

14 What is this document?

15 A It appears to be an e-mail receipt or copy  
16 for a Copyright Infringement Notice.

17 Q And who was this addressed to?

18 A It appears that the e-mail is  
19 copyright@tiktok.com.

20 Q And can you tell me the date of this  
21 notice?

22 A The notice says March 21st, 2024.

23 Q When was it received?

24 A I don't know.

25 Q When was it viewed?

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

58

1 A I don't know.

2 Q Was it removed?

3 A Based on the URL, I can't tell if it was  
4 removed or not.

5 Q Before I move to the next one, just a  
6 question. Are you aware of which or how many -- I'm  
7 sorry. Scratch that.

8 Are you aware of how many of the photos  
9 were removed in this case?

10 A Can you be more specific to how you define  
11 the photo?

12 Q Sure. Of the 22 photos at issue in this  
13 case, are you aware of how many were removed?

14 A Not the photographs, no, I'm not aware of  
15 how many were removed.

16 Q When you say "not the photographs," are  
17 you aware of how many of the posts were removed or  
18 taken down?

19 A Yes.

20 Q How many?

21 A There were eight in total that were  
22 removed.

23 Q Of the 22?

24 A Of the 22, from the users themselves and  
25 one was not removed from the user.

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

59

1 MR. ALEJANDRINO: I'm going to show you  
2 what I will be marking as Plaintiff's Exhibit  
3 8.

4 (Whereupon, Plaintiff's Exhibit Number 8  
5 was marked for Identification.)

6 BY MR. ALEJANDRINO:

7 Q I'll go ahead and scroll through the  
8 document.

9 And what is this document?

10 A It is appears to be an e-mail receipt of a  
11 Copyright Infringement Notice.

12 Q And who is it addressed to?

13 A The e-mail it was addressed to is  
14 copyright@tiktok.com.

15 Q When is this e-mail dated?

16 A The e-mail is dated March 27th, 2024.

17 Q When was this received?

18 A I don't know.

19 Q When was it reviewed?

20 A I don't know.

21 Q Do you know if this post was removed?

22 A Based on the URL, I can't tell if it was  
23 removed or not.

24 MR. ALEJANDRINO: I'm showing you what I'm  
25 marking as Plaintiff's Exhibit 9.



CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

60

1 (Whereupon, Plaintiff's Exhibit Number 9  
2 was marked for Identification.)

3 BY MR. ALEJANDRINO:

4 Q I will scroll through the document.  
5 What is this document?

6 A It appears to be an e-mail copy of a  
7 Copyright Infringement Notice.

8 Q And to whom was it addressed to?

9 A The e-mail says copyright@tiktok.com.

10 Q And the date?

11 A March 18th, 2024.

12 Q And when was this one received?

13 A I don't know.

14 Q When was it actually viewed?

15 A I don't know.

16 Q And do you know if this was removed or  
17 not?

18 A Based on the URL, I can't tell if it was  
19 removed or not.

20 MR. ALEJANDRINO: I'm now showing you what  
21 I'm marking as Plaintiff's Exhibit 10.

22 (Whereupon, Plaintiff's Exhibit Number 10  
23 was marked for Identification.)

24 BY MR. ALEJANDRINO:

25 Q I'll scroll through the document as well.

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

61

1 And what is this document?

2 A It looks to be an e-mail copy of a  
3 Copyright Infringement Notice.

4 Q And who is this addressed to?

5 A It's addressed to copyright@tiktok.com.

6 Q And when was this e-mail dated?

7 A Well, just to confirm, underneath  
8 copyright department towards the top, it says  
9 "Wednesday, 3/6/2024," but then there's another date  
10 saying, "March 6th, 2024."

11 Q I'm sorry. You said up here it says  
12 March 6th, 2024?

13 A Oh, my gosh. Those are the same dates.  
14 Yes.

15 Q Do you know when this was received?

16 A I don't know.

17 Q Do you know when this would have been  
18 viewed?

19 A I don't know.

20 Q And are you aware of whether this post was  
21 removed?

22 A Based on the URL, I can't tell if it was  
23 removed or not.

24 MR. ALEJANDRINO: I'm now showing you what  
25 I'm marking as Plaintiff's Exhibit 11.

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

62

1 (Whereupon, Plaintiff's Exhibit Number 11  
2 was marked for Identification.)

3 BY MR. ALEJANDRINO:

4 Q And I will go ahead and scroll through  
5 this one as well.

6 And what is this document?

7 A It looks to be an e-mail copy of a  
8 Copyright Infringement Notice.

9 Q And can you tell me who this is addressed  
10 to?

11 A It's addressed to copyright@tiktok.com.

12 Q And when would this e-mail have been  
13 received?

14 A I don't know when the e-mail was received.

15 Q When was it actually viewed?

16 A I don't know when it was actually viewed.

17 Q Are you aware of whether it was removed or  
18 not?

19 A Based on the URL, I can't tell if it was  
20 removed or not.

21 Q So I do have about, I believe, 14 of these  
22 left. So instead of just hammering you over the  
23 head with that, I'm just going to ask: Is it fair  
24 to say that the answers will be the same for every  
25 single one of the takedown notices?

64

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

65

[REDACTED]

22 BY MR. ALEJANDRINO:

23 Q Earlier we discussed when users are  
24 notified that their content is being removed.

25 Were any of the users in this case

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

66

1 notified of the DMCA takedown notices and removal of  
2 their content?

3 A For the ones that removed the content  
4 themselves, they wouldn't have received any  
5 notification. I'm not sure what notification was  
6 received to the piece of content that was impacted  
7 that was irrelevant to this.

8 Q Was there any communications with those  
9 users in this matter?

10 A Do you mind being a little bit more  
11 specific?

12 Q Was there any -- let me think.

13 Did you have any communication with one of  
14 the users that posted content that is at issue in  
15 this case?

16 A So did I, Jemili Boutros, have any  
17 communication with any of the users that uploaded  
18 the content?

19 Q So you are here as a representative of  
20 TikTok. So the answer should be TikTok, not you  
21 personally.

22 A No worries.

23 So did TikTok have any communications with  
24 the users that uploaded the content?

25 Q Correct.

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

67

1 A No.

2 Q So does this mean none of the users that  
3 their content was removed were notified?

4 A Content removed from TikTok?

5 Q Correct.

6 A So the question is: The content that  
7 TikTok removed, were any of the users notified?

8 Q Yes.

9 A So there was one content that was impacted  
10 by this from an irrelevant -- like another issue.  
11 I'm not sure what communications they got. But any  
12 time TikTok removes something, there is a form of  
13 communication.

14 MR. ALEJANDRINO: I think this is a good  
15 place to take a break. We can go off record.

16 (Lunch recess from 3:31 p.m. EST to 4:15  
17 EST.)

18 MR. ALEJANDRINO: We can go back on the  
19 record.

20 BY MR. ALEJANDRINO:

21 ■ [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

69

1 was going over the takedown notices about  
2 things that are not in evidence and on the  
3 record, so I wanted to just go ahead and add  
4 that into the record just to complete it.

5 So I'm going to go ahead and share my  
6 screen. Give me a second. I know this is a  
7 little tedious, so I apologize.

8 So I'm going to go ahead and show you what  
9 I am marking as Plaintiff's Exhibit 12.

10 (Whereupon, Plaintiff's Exhibit Number 12  
11 was marked for Identification.)

12 BY MR. ALEJANDRINO:

13 Q I will go ahead and scroll through it for  
14 you to review. As you can see, it's two pages.

15 What is this document?

16 A It looks to be an e-mail copy of a  
17 Copyright Infringement Notice.

18 Q And who was this addressed to?

19 A It was addressed to copyright@tiktok.com.

20 Q Is that TikTok's designated DMCA e-mail  
21 address?

22 A Yes.

23 Q What is the date of this e-mail?

24 A The date reads as February 21st, 2024.

25 Q When was this e-mail received by TikTok?



CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

70

1 A I don't know.

2 Q When was this reviewed by TikTok?

3 A I don't know.

4 Q Was this content removed?

5 A I can't tell from this document.

6 MR. KEYES: Counsel, are you marking this  
7 at an exhibit?

8 MR. ALEJANDRINO: Yes. I specified that  
9 it will be marked as Plaintiff's Exhibit 12.

10 MR. KEYES: Okay. Thank you.

11 MR. ALEJANDRINO: Now I'm going to show  
12 you what I'm marking as Plaintiff's Exhibit 13.

13 (Whereupon, Plaintiff's Exhibit Number 13  
14 was marked for Identification.)

15 BY MR. ALEJANDRINO:

16 Q I will go ahead and scroll through. It is  
17 a three-page document.

18 And can you tell me what this document is?

19 A It appears to be an e-mail copy of a  
20 Copyright Infringement Notice.

21 Q Who was this addressed to?

22 A The e-mail that this was sent to was  
23 copyright@tiktok.com.

24 Q Can you tell me the date of this e-mail?

25 A The date is listed as October 29th, 2023.

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

71

1 Q And when would this e-mail have been  
2 received by TikTok?

3 A I'm not sure when TikTok received this  
4 specific e-mail.

5 Q When would they have reviewed this e-mail?

6 A I don't have that information.

7 Q And do you know if this one was removed?

8 A I can't tell based on the document itself.

9 MR. ALEJANDRINO: I will move on to what  
10 I'm marking as Plaintiff's Exhibit 14.

11 (Whereupon, Plaintiff's Exhibit Number 14  
12 was marked for Identification.)

13 BY MR. ALEJANDRINO:

14 Q I'll also scroll through this one. This  
15 is also a three-page document.

16 Can you tell me what this document is?

17 A It appears to be an e-mail copy of a  
18 Copyright Infringement Notice.

19 Q And to whom is this addressed?

20 A The e-mail this was sent to is  
21 copyright@tiktok.com.

22 Q And when was this received by TikTok?

23 A I don't know when this was received by  
24 TikTok.

25 Q When was it viewed by TikTok?

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

72

1           A       I'm not sure when this was viewed by  
2   TikTok.

3           Q       And was this content removed by TikTok?

4           A       I can't tell based on what's shown in  
5   front of me.

6                   MR. ALEJANDRINO: I'm now going to show  
7   you what I'm marking as Plaintiff's Exhibit 15.

8                   (Whereupon, Plaintiff's Exhibit Number 15  
9   was marked for Identification.)

10   BY MR. ALEJANDRINO:

11           Q       I'll also scroll through this one. This a  
12   two-page document.

13                   Can you tell me what this document is?

14           A       Do you mind scrolling down to the bottom?  
15   Thanks.

16           Q       Sure.

17           A       It appears to be an e-mail for a DMCA  
18   notice.

19           Q       Who is this addressed to?

20           A       It was addressed to copyright@tiktok.com.

21           Q       And when was this one dated?

22           A       October 13th, 2023.

23           Q       When was this received by TikTok?

24           A       I don't know.

25           Q       When was it viewed by TikTok?

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

73

1 A I don't know.

2 Q Was this content removed by TikTok?

3 A I can't tell based on what's in front of  
4 me.

5 MR. ALEJANDRINO: I'm now going to show  
6 you what I am marking as Plaintiff's Exhibit  
7 16.

8 (Whereupon, Plaintiff's Exhibit Number 16  
9 was marked for Identification.)

10 BY MR. ALEJANDRINO:

11 Q I will once again scroll.

12 What is this document?

13 A It appears to be an e-mail copy of a  
14 Copyright Infringement Notice.

15 Q Who is it addressed to?

16 A It was address to copyright@tiktok.com.

17 Q Can you tell me the date of this e-mail?

18 A The date of the e-mail says March 12th,  
19 2024.

20 Q And when was this received by TikTok?

21 A I'm not sure.

22 Q When would TikTok have viewed this e-mail?

23 A I don't know.

24 Q Was this content removed?

25 A I can't tell based on what's in front of

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

74

1 me.

2 MR. ALEJANDRINO: I'm now going to show  
3 you what I am marking as Plaintiff's Exhibit  
4 17.

5 (Whereupon, Plaintiff's Exhibit Number 17  
6 was marked for Identification.)

7 BY MR. ALEJANDRINO:

8 Q And I will scroll through this one as  
9 well.

10 What is this document?

11 A It appears to be a copy of a Copyright  
12 Infringement Notice.

13 Q And who is this addressed to?

14 A It was addressed to copyright@tiktok.com.

15 Q What is the date of this e-mail?

16 A The date is March 15th, 2024.

17 Q And on what date was this received by  
18 TikTok?

19 A I don't know.

20 Q On what date was this viewed by TikTok?

21 A I don't know.

22 Q And was the content removed?

23 A I can't tell based on what's in front of  
24 me.

25 MR. ALEJANDRINO: Now I'm going to show

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

75

1           you what I'm marking as Plaintiff's Exhibit 18.

2                   (Whereupon, Plaintiff's Exhibit Number 18

3           was marked for Identification.)

4   BY MR. ALEJANDRINO:

5           Q     And I will scroll through this one as

6   well. It's a two-page document.

7                   Can you tell me what this document is?

8           A     It appears to be a copyright notice and

9   takedown e-mail copy.

10          Q     Who was it e-mailed to?

11          A     It was e-mailed to copyright@tiktok.com.

12          Q     What is the date of the e-mail?

13          A     October 13th, 2023.

14          Q     And when was this received by TikTok?

15          A     I don't know.

16          Q     When was it viewed by TikTok?

17          A     I don't know.

18          Q     And was this content removed?

19          A     I can't tell based on what's in front of

20   me.

21                   MR. ALEJANDRINO: I'm now going to show

22   you what I'm marking as Plaintiff's Exhibit 19.

23                   (Whereupon, Plaintiff's Exhibit Number 19

24   was marked for Identification.)

25

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

76

1 BY MR. ALEJANDRINO:

2 Q I will scroll through this one as well.

3 It's a four-page document.

4 Can you tell me what this document is?

5 A It appears to be a Copyright Infringement  
6 Notice copy of an e-mail.

7 Q To whom is it addressed to?

8 A It's addressed to copyright@tiktok.com.

9 Q What is the date of this e-mail?

10 A The date reads as February 12th, 2024.

11 Q When did TikTok receive this e-mail?

12 A I don't know.

13 Q When did TikTok view this e-mail?

14 A I don't know.

15 Q Was the content here removed?

16 A I can't tell based on what's in front of  
17 me.

18 MR. ALEJANDRINO: I'm now going to show  
19 you what I'm marking as Plaintiff's Exhibit 20.

20 (Whereupon, Plaintiff's Exhibit Number 20  
21 was marked for Identification.)

22 BY MR. ALEJANDRINO:

23 Q I'll scroll through this one as well.

24 What is this document?

25 A It appears to be an e-mail copy of a

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

77

1 Copyright Infringement Notice.

2 Q And who is it addressed to?

3 A Copyright@tiktok.com.

4 Q When is this e-mail dated?

5 A The date on this e-mail reads as  
6 November 17th, 2023.

7 Q When was this received by TikTok?

8 A I don't know.

9 Q When would it have been viewed by TikTok?

10 A I don't know.

11 Q And is the content listed here removed?

12 A I can't tell based on what's in front of  
13 me.

14 MR. ALEJANDRINO: Now I'm showing you what  
15 I'm marking as Plaintiff's Exhibit 21.

16 (Whereupon, Plaintiff's Exhibit Number 21  
17 was marked for Identification.)

18 BY MR. ALEJANDRINO:

19 Q And I will scroll through this one. It's  
20 a four-page document.

21 Can you tell me what this document is?

22 A It appears to be an e-mail of a Copyright  
23 Infringement Notice.

24 Q And who is this e-mail addressed to?

25 A To copyright@tiktok.com.



CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

78

1 Q When was this e-mail dated?

2 A It reads as February 28th, 2024.

3 Q When was the e-mail received?

4 A I don't know.

5 Q When was it viewed?

6 A I don't know.

7 Q Was the content removed?

8 A I can't tell based on what's in front of  
9 me.

10 MR. ALEJANDRINO: I'm now showing you what  
11 I'm marking as Plaintiff's Exhibit 22.

12 (Whereupon, Plaintiff's Exhibit Number 22  
13 was marked for Identification.)

14 BY MR. ALEJANDRINO:

15 Q And I will scroll through this one.

16 What is this document?

17 A This document appears to be a Copyright  
18 Infringement Notice.

19 Q And who was this e-mailed to?

20 A This was e-mailed to copyright@tiktok.com.

21 Q When was this e-mail received?

22 A I don't know when the e-mail was received.

23 Q When was it viewed?

24 A I don't know when it was viewed.

25 Q Was the content here removed?

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

79

1           A       I don't know if the content here was  
2 removed.

3                   MR. ALEJANDRINO: I'm now showing you what  
4 I'm marking as Plaintiff's Exhibit 23.

5                   (Whereupon, Plaintiff's Exhibit Number 23  
6 was marked for Identification.)

7 BY MR. ALEJANDRINO:

8           Q       I'm going to scroll through the document.  
9                   What is this document?

10          A       It appears to be an e-mail copy of the  
11 Copyright Infringement Notice.

12          Q       And who was this e-mailed to?

13          A       This was e-mailed to copyright@tiktok.com.

14          Q       What is the date on this e-mail?

15          A       The date reads on this e-mail as  
16 November 3rd, 2023.

17          Q       What date was this e-mail received?

18          A       I don't know.

19          Q       What date was this e-mail viewed?

20          A       I don't know.

21          Q       Was the content removed?

22          A       I don't know based on what's in front of  
23 me.

24                   MR. ALEJANDRINO: I'm now showing what you  
25 I'm marking as Plaintiff's Exhibit 24.

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

80

1 (Whereupon, Plaintiff's Exhibit Number 24  
2 was marked for Identification.)

3 BY MR. ALEJANDRINO:

4 Q I will likewise scroll through the  
5 document.

6 What is this document?

7 A It appears to be an e-mail copy of a  
8 Copyright Infringement Notice.

9 Q And who is it addressed to?

10 A It is addressed to copyright@tiktok.com.

11 Q When is this dated for?

12 A The date reads on this document as  
13 October 24th, 2023.

14 Q When was this received?

15 A I don't know.

16 Q When was it viewed?

17 A I don't know.

18 Q And was the content removed?

19 A I can't tell based on what's in front of  
20 me.

21 MR. ALEJANDRINO: I'm now showing you what  
22 I'm marking as Exhibit 25.

23 (Whereupon, Plaintiff's Exhibit Number 25  
24 was marked for Identification.)

25

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

81

1 BY MR. ALEJANDRINO:

2 Q I will scroll through this document as  
3 well. What is this document?

4 A It appears to be an e-mail copy of a  
5 Copyright Infringement Notice.

6 Q And who is it addressed to?

7 A It's addressed to copyright@tiktok.com.

8 Q And when is this e-mail dated for?

9 A The date on this e-mail reads as  
10 October 20th, 2023.

11 Q When was the e-mail received by TikTok?

12 A I don't know.

13 Q When was it viewed by TikTok?

14 A I don't know.

15 Q And was this content removed?

16 A Based on what's in front of me, I can't  
17 make that judgment.

18 MR. ALEJANDRINO: I'm now going to show  
19 you what I am marking as Plaintiff's Exhibit  
20 26.

21 (Whereupon, Plaintiff's Exhibit Number 26  
22 was marked for Identification.)

23 BY MR. ALEJANDRINO:

24 Q I will scroll through this document.

25 Can you tell me what this document is?

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

82

1           A     It appears to be an e-mail copy of a  
2     Copyright Infringement Notice.

3           Q     And to whom is it addressed to?

4           A     It's addressed to copyright@tiktok.com.

5           Q     When is it dated for?

6           A     The date on the e-mail reads as  
7     December 20th, 2023.

8           Q     And when was it received by TikTok?

9           A     I don't know.

10          Q     When was it viewed by TikTok?

11          A     I don't know.

12          Q     Was the content listed removed?

13          A     I can't make that judgment based on what's  
14     in front of me.

15                MR. ALEJANDRINO: I'm going to show you  
16     what I'm marking as Plaintiff's Exhibit 27.

17                (Whereupon, Plaintiff's Exhibit Number 27  
18     was marked for Identification.)

19     BY MR. ALEJANDRINO:

20          Q     I will scroll through this document as  
21     well.

22                Can you tell me what this document is?

23          A     It appears to be an e-mail copy of a  
24     Copyright Infringement Notice.

25          Q     And who is it e-mailed to?

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

83

1           A     The e-mail it was sent to is  
2     copyright@tiktok.com.

3           Q     And what date is listed on this e-mail?

4           A     The date reads as November 27th, 2023.

5           Q     When did TikTok receive this e-mail?

6           A     I don't know.

7           Q     When did TikTok view it?

8           A     I don't know.

9           Q     And was the content listed removed?

10          A     Based on what's in front of me, I can't  
11     make that judgment call.

12          Q     I'm going to go ahead and stop sharing my  
13     screen. That is all for those.

14                 I'm now going to go back to the  
15     monetization and Creator Program that we discussed  
16     earlier.

17                 I know you had testified that some of the  
18     users at issue in this case are part of the Creator  
19     Program, correct?

20          A     Yes.

21          Q     I want to go ahead and go through the  
22     users to see which of those are admitted into the  
23     Creator Program.

24                 So the first user is bellamy227. Do you  
25     know if TikTok has an agreement to admit that user

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

93

1 Q So aside from that assumption, do you have  
2 any evidence supporting the argument that plaintiff  
3 does not own these works?

4 A I think it's a valid concern because the  
5 person who takes the photo is the one who has the  
6 copyright ownership. However, the one who hires for  
7 work then owns that piece of material. So I think  
8 any supportive documentation to show for either case  
9 would help make that assessment.

10 Q But do you have any evidence showing that  
11 it's not owned by the plaintiff in this case?

12 A I don't have evidence.

13 Q I want to go up to number 5. Can you read  
14 that for me?

15 A Yes.

16 "Plaintiff's claims are barred, in whole  
17 or in part, because of any alleged infringement by  
18 defendant or defendant's users constituents --"

19 Wait. Did I say that right? Sorry.

20 Q Constitutes.

21 A Oh, my gosh. My apologies.

22 "-- constitutes fair use under 17 U.S.C."  
23 I don't know how to pronounce that symbol -- "107."

24 Q What is TikTok's basis for the  
25 determination of the fair use argument?

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

94

1 MR. KEYES: Objection, calls for a legal  
2 conclusion.

3 Go ahead and answer, Ms. Boutros, if you  
4 can.

5 A Do you mind repeating the question?

6 BY MR. ALEJANDRINO:

7 Q What is TikTok's basis for asserting fair  
8 use?

9 MR. KEYES: Same objection.

10 A So TikTok's assessment is based on what is  
11 within the DMCA, Digital Millennium Copyright Act.

12 The fair use is the word "declaration" or  
13 "outline" in there is what TikTok leans on.

14 Q What specifically is TikTok leaning on?

15 A Within fair use, it's my understanding  
16 that there's four criterias for the work to be  
17 considered for that.

18 Q And TikTok feels that some of these  
19 content that were left up fall into that category?

20 A Well, legal made that assessment.

21 Q Understood.

22 I am now going to go to 11. If you can  
23 read that one for me as well.

24 A "Plaintiff's claims are barred, in whole  
25 or in part, because defendant did not and does not



1 have a direct financial interest in or to the  
2 alleged copyright infringement."

3 Q Is it your testimony that TikTok did not  
4 receive any financial benefit from the usage of any  
5 of the photos in this lawsuit?

6 A My testament is that TikTok did not  
7 generate any funds.

8 Q So they did not receive any financial  
9 benefit here?

10 A No.

11 Q I'm going to go to 14. If you can read  
12 that one for me.

13 A "Plaintiff's claims are barred, in whole  
14 or in part, to the extent any third-party use of  
15 subject photographs was pursuant to a valid license,  
16 whether an implied or express license."

17 Q Did or does TikTok itself have a license  
18 to use any of these photos?

19 A To my understanding, no, TikTok does not  
20 have a license to use these photos.

21 Q And does TikTok have any reason to believe  
22 that any of the 24 users in this case had a license  
23 to use the photo?

24 A To my understanding -- well, it's hard to  
25 make that judgment call because I don't know the

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

96

1 answer to that.

2 Q Does TikTok request or inquire from the  
3 user licensing when a DMCA takedown notice is  
4 submitted?

5 A When a DMCA notice is submitted, the  
6 person who is being reported against does not have  
7 the opportunity, in that portion of the workflow, to  
8 provide that information.

9 Q So to clarify, TikTok does not ask the  
10 user if they had a license but, rather, just makes  
11 its own fair use assessment or an exception --  
12 copyright exception in deciding whether or not to  
13 remove the content?

14 MR. KEYES: Objection, compound.

15 But go ahead an answer if you can,

16 Ms. Boutros.

17 A I would say there's an opportunity for the  
18 reported user to showcase a licensing agreement in  
19 the process of an appeal because that is when  
20 they've been communicated that their content's been  
21 removed -- rather than during the initial review  
22 that was submitted from the rights owner, and that  
23 information wasn't provided.

24 BY MR. ALEJANDRINO:

25 Q And did any of the users in this case

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

98

1 more monetary gain is met, and I don't think that's  
2 an accurate statement to be making.

3 Q So what determines the monetary gain by  
4 TikTok?

5 MR. KEYES: Objection, asked and answered.

6 But go ahead and answer again if you can,  
7 Ms. Boutros.

8 A To the best of my ability, knowing how  
9 TikTok generates money, it's through advertisements  
10 or partnership brand deals, and maybe through  
11 e-commerce channels likes TikTok Shop.

12 BY MR. ALEJANDRINO:

13 Q When you say "advertisements," where are  
14 these advertisements located?

15 A So advertisements, they typically have a  
16 sticker in the video where it says "sponsored" or  
17 "promoted content."

18 Q And so if the content is sponsored, does  
19 that directly correlate to the Creator Program?

20 A I don't think so.

21 Q So how does TikTok determine when to  
22 sponsor content?

23 A I don't have the answer to that.

24 And to be clear, TikTok doesn't sponsor  
25 content on their own merit. The user who wants to

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

106

1 removed due to an unrelated issue.

2 Q So of these eight, they were removed on  
3 their own, not by TikTok?

4 A Correct.

5 Q So TikTok did not remove any of the 22  
6 photos at issue here?

7 A Well, I don't know if these URLs had the  
8 22 photos, but what I can say, again, is that seven  
9 of these eight were removed by the users themselves  
10 and one of them was impacted because of an unrelated  
11 issue.

12 Q Do you mean like -- for that unrelated  
13 issue, just to clarify, do you mean TikTok removed  
14 it for something -- for another reason not to do  
15 with copyright or intellectual property?

16 A I just know there was an unrelated issue  
17 to this specific case as to why it was removed, but  
18 for IP reasons or like those details, I'm not sure.

19 Q Was it removed by TikTok or the user?

20 A I believe it was removed by TikTok.

21 Q So TikTok only removed one of the eight  
22 for an unrelated reason, and the other remaining  
23 ones were removed on their own?

24 A They were removed by the users who  
25 uploaded them themselves.

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

111

1           A       "Identify all employees or persons  
2 involved in reviewing the DMCA takedown notices and  
3 any subsequent responsive actions taken therein."

4           Q       And if you want to read the portion of the  
5 answer starting with "subject to"?

6           A       Sure.

7                   "Subject to and without waiving the  
8 foregoing objections, defendant incorporates its  
9 objections and response to interrogatory number 12  
10 and adds that its counsel has reviewed the allegedly  
11 infringing uses of the work. No subsequent  
12 responsive actions have been taken because the  
13 allegedly infringing uses of the work qualify as  
14 fair use."

15          Q       And what does a fair classification mean?

16          A       A fair of a classification mean?

17          Q       What does a fair classification mean or  
18 qualification?

19          A       Did I read that on the document, a fair  
20 qualification?

21          Q       It qualifies as fair use.

22          A       So the question is: How does this qualify  
23 as fair use?

24          Q       Yes.

25                   MR. KEYES: Objection, asked and answered.

2 Q You can answer the question.

[illegible]

18 MR. ALEJANDRINO: I think this is a good  
19 place to take a break. I'm just going to  
20 review my notes, see if I have anymore  
21 additional questions.

23 (Recess from 5:20 p.m. EST to 5:34 p.m.  
24 EST.)

12

Row	Bar Start (approx. %)	Bar End (approx. %)
1	25	90
2	10	85
3	10	100
4	10	30
5	20	95
6	10	60
7	20	70
8	20	98
9	10	65
10	20	100
11	10	82
12	20	88
13	10	95
14	10	90

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

118

[REDACTED]



Daughters Reporting, Inc.  
Fort Lauderdale, Florida 954-755-6401

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

[REDACTED]

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

125

[REDACTED]

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

126

[REDACTED]

12 Q We did go through all the takedown notices  
13 and the exhibits that were sent to TikTok.

14 Just to clarify, your testimony is that  
15 you did not know when any of those notices were  
16 actually received or reviewed?

17 A Correct.

18 Q And you also don't know if the images  
19 themselves were removed?

20 A I know there were a number of images. I  
21 also know that there were some videos that weren't  
22 removed.

23 Q Do you know the specific content that was  
24 removed?

25 A Not off the top of my head.

CONFIDENTIAL CONFIDENTIAL CONFIDENTIAL

127

1 Q And the ones that were not removed and  
2 remained up, you don't know why they were determined  
3 to be fair use or an exception to the copyright  
4 infringement?

5 MR. KEYES: Objection, asked and answered.  
6 Mischaracterizes prior testimony, too.

7 But go head and answer if you can.

8 A Yeah, legal made that assessment.

9 BY MR. ALEJANDRINO:

10 Q Would you say that knowing when a takedown  
11 notice was received and reviewed would be important  
12 information to know?

13 A It is information that should be included  
14 in a report, yes.

15 Q Do you know why you were designated as  
16 TikTok's 30(b)(6) corporate representative?

17 A Yes.

18 Q Why is that?

19 A I'm someone who oversees and is in  
20 operations, so I would be able to speak to the  
21 details of our operations.

22 Q Along those lines, what exactly is your  
23 scope at TikTok?

24 A My scope includes reviewing notice and  
25 takedown reports themselves. I also do risk

**EXHIBIT “B”**

1 Q. Okay. Thank you. Let's go to paragraph  
2 10.

3 A. Okay.

4 Q. So --

5 A. In which document? Exhibit 5?

6 Q. Yeah. We're going to be on Exhibit 5 for a  
7 while, sir.

8 A. Okay. Okay.

9 Q. In 1998 you formed Michael Grecco  
10 Photography; right?

11 A. Correct.

12 Q. Now, at that point in time as of 1998, you  
13 were already taking photographs; yes?

14 A. Yes.

15 Q. And you assigned all right, title, and  
16 interest in those photographs to Michael Grecco  
17 Photography in 1998; correct?

18 A. Correct.

19 Q. All right. So at the time when you  
20 assigned those photographs to -- those existing  
21 photographs as of 1998 to Michael Grecco  
22 Photography, I take it you were not a W-2 employee  
23 of the company?

24 A. There was no company.

25 Prior to that you're asking me, yes?

Michael Grecco

Confidential

Michael Grecco Productions, Inc. vs.  
TikTok, Inc.

1 Q. Prior to 1998, there was no company; right?

2 A. Correct.

3 Q. You were acting as a sole proprietor, if  
4 you will?

5 A. Correct.

6 Q. All right. So but in 1998, you formed  
7 Michael Grecco Photography, Inc.?

8 A. Correct.

9 Q. And so you assigned your rights to that  
10 company as of that date?

11 A. Yes, that is correct.

12 Q. So my question, if I wasn't clear, is as of  
13 1998, once you formed Michael Grecco Photography,  
14 Inc., did you personally, sir, become an employee of  
15 Michael Grecco Photography, Inc.?

16 A. Yes.

17 Q. Okay. And when I say "employee," you were  
18 a W-2 employee of the company?

19 A. At times, yes.

20 Q. But I know earlier in your testimony today,  
21 you're not currently an employee of Michael Grecco  
22 Productions, Inc.?

23 A. I'm the owner of Michael Grecco  
24 Productions, Inc. And through the years I have  
25 gotten paid as a W-2 employee, and I have been



1     **this alleged damage?**

2           A. No. I mean, but every time my work gets  
3 posted and reposted on your client's platform, it  
4 cancels our ability to license work exclusively in  
5 territories and channels when it's publicly  
6 available on a social media platform. So it's --  
7 you're undermining my ability to get the best rates  
8 and the best licensing fees for my work.

9           **Q. Okay. Well, let's talk about that. So**  
10 **you're saying that as a result of these images**  
11 **appearing on TikTok.**

12           **Have you been deprived licensing revenue**  
13 **from third parties?**

14           A. Well, I wouldn't know that obviously  
15 because, if they've seen it elsewhere, they would  
16 steal it rather than come license it. And they're  
17 not coming to us to license it exclusively if  
18 they've seen it on the TikTok platform.

19           **Q. And how do you know that?**

20           A. Because I've been in the business for  
21 almost 50 years.

22           **Q. Has anybody told you, sir, that they're not**  
23 **going to license any of the photographs that are at**  
24 **issue in this case because they saw them on TikTok?**

25           A. No, but why would someone come to me and

Michael Grecco

Confidential

Michael Grecco Productions, Inc. vs.  
TikTok, Inc.

1 tell me that? It would never happen.

2 Q. Let's look at paragraph 80. "Plaintiff is  
3 entitled to recover her" -- I think that's another  
4 typo, isn't it?

5 A. Yes.

6 Q. Okay. Plaintiff is entitled to recover her  
7 actual damages."

8 That's referring to your company, your  
9 company's actual damages?

10 A. Correct.

11 Q. Okay. What are your company's actual  
12 damages in this case?

13 A. That would be calculated in through  
14 discovery and, you know, any advertising revenue  
15 that's -- that you bother to disclose to us based  
16 off of the -- based off of the images, you know,  
17 that were used by your -- by your viewers. By --  
18 excuse me. By the people posting. Not really your  
19 viewer.

20 Q. Okay. But you've already testified that  
21 you're not aware of a single instance where any of  
22 your photographs were used in an advertisement on  
23 TikTok.

24 A. You're confusing -- you're misrepresenting  
25 what I -- what I'm saying, and you're

1 and I see the Morgan Freeman one for 99.

2 Q. Right. And so it's your position that all  
3 of these photographs are far inferior to yours; is  
4 that right?

5 A. Yeah. And we don't license for -- again,  
6 Getty builds its business on -- as a wholesale  
7 supermarket licenser. They build their business on  
8 volume. We found Getty stealing our pictures and  
9 not paying us or giving them away for \$0.00 and --  
10 you know. So I had to get a -- the complete usage  
11 of my Getty Images because they withheld funds from  
12 me.

13 We sued them. They paid us. Like, so  
14 what? To me these are criminals that give away  
15 photographers' work for the lowest amount of money  
16 to get market share, and that's what their concerned  
17 in.

18 I'm not concerned in market share. I'm  
19 concerned in being a boutique high-end licenser of  
20 high-quality imagery. And statutory damages are  
21 based on my market licensing rates, not Getty.

22 So yeah, I see it.

23 Q. Okay. So we just looked here in Exhibit 54  
24 some of the same celebrities that you've taken  
25 photographs as well; right?

1 and I haven't signed them.

2 So, you know, that's what their offer is,  
3 but . . .

4 **Q. So you testified earlier today that you**  
5 **wanted to get the best licensing rates for your**  
6 **images; right?**

7 A. Yes.

8 **Q. So is 175 the best licensing rate you could**  
9 **get for this image of Michael Jackson?**

10 A. 175 is not a licensing rate. It's a  
11 sale -- it's a rate to sell a print, and it was a  
12 special promotion that they asked me to be a part  
13 of.

14 **Q. And as of today's date, you haven't sold**  
15 **any of those; is that right?**

16 A. I don't think so, but by -- on Monday I'm  
17 going to let them know that they should take down  
18 the special promotion.

19 **Q. Why?**

20 A. Because I did it because I was new to the  
21 agency, and they made a request. I'm now being  
22 represented by the Fahey Klein Gallery, and I have  
23 museum shows all over the world, and our rates are  
24 35- to \$9,500 a signed edition print, and I don't  
25 want this to undermine the market.

**EXHIBIT “C”**

1 Subject to and without waiving the foregoing objections, the screenshots of the  
2 allegedly infringing videos included in Exhibit N to the Second Amended Complaint  
3 contain URLs to the allegedly infringing videos.

4 **INTERROGATORY NO. 9:**

5 Identify all gross revenues paid to Defendant with respect to any services  
6 and/or products offered by Defendant that utilized, displayed, and/or published any  
7 of the photographs comprising the Work in connection therewith.

8 **ANSWER:** Defendant incorporates each of the General Objections herein.  
9 Defendant objects to this Interrogatory as over broad, unduly burdensome, and  
10 disproportionate to the needs of this case to the extent it seeks “all gross revenues”  
11 relating to “any services and/or products offered by Defendant.” Defendant  
12 interprets this Interrogatory as seeking information relating to gross revenues paid to  
13 Defendant relating to the use of the Work at issue in this Action.

14 Subject to and without waiving the foregoing objections, Defendant has not  
15 received revenues from the utilization, display, and/or publication of any of the  
16 photographs comprising the Work.

17 **INTERROGATORY NO. 10:**

18 Identify the date ranges for which each photograph comprising the Work were  
19 published/displayed on the Platform.

20 **ANSWER:** Defendant incorporates each of the General Objections herein.  
21 Defendant objects to this Interrogatory to the extent it seeks information that is not  
22 in Defendant’s possession, custody or control.

23 Subject to and without waiving the foregoing objections, Defendant responds  
24 that the dates the allegedly infringing videos were first displayed on TikTok are  
25 shown in the screenshots in Exhibit N to the Complaint. As of the date of this  
26 response, the allegedly infringing uses at the URLs below are no longer publicly  
27 displayed on TikTok in the United States:

- 1 • <https://www.tiktok.com/@bellamy227/video/7160505047980231979>
- 2 • [https://www.tiktok.com/@filmeseseriesxz/video/71522741015733240](https://www.tiktok.com/@filmeseseriesxz/video/7152274101573324038?lang=en)
- 3 [38?lang=en](https://www.tiktok.com/@filmeseseriesxz/video/7152274101573324038?lang=en)
- 4 • [https://www.tiktok.com/@bg\\_ijam/video/7283620831270309121](https://www.tiktok.com/@bg_ijam/video/7283620831270309121)
- 5 • <https://www.tiktok.com/@iohndepp/video/7106179409345809669>
- 6 • <https://www.tiktok.com/@mjforever.1958>
- 7 • <https://www.tiktok.com/@weloverealmovies>
- 8 • <https://www.tiktok.com/@dfwbass/video/7156765166611270958>
- 9 • [https://www.tiktok.com/@wordsofwarning/video/72267725762430763](https://www.tiktok.com/@wordsofwarning/video/7226772576243076395)
- 10 [95](https://www.tiktok.com/@wordsofwarning/video/7226772576243076395)

11 **INTERROGATORY NO. 11:**

12 Describe Defendant's policies and procedures with respect to DMCA  
13 Takedown Notices.

14 **ANSWER:** Defendant incorporates each of the General Objections herein.  
15 Defendant objects to this Interrogatory as duplicative of Interrogatory No. 2.

16 Subject to and without waiving the foregoing objections, Defendant  
17 incorporates its objections and response to Interrogatory No. 2.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**\*\*\*START OF ATTORNEYS EYES ONLY\*\*\***

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**\*\*\*END OF ATTORNEYS EYES ONLY\*\*\***



**INTERROGATORY NO. 13:**

Identify all employees or persons involved in reviewing the DMCA Takedown Notices and any subsequent responsive actions taken therein.

**ANSWER:** Defendant incorporates each of the General Objections herein. Defendant objects to this Interrogatory as over broad and unduly burdensome and to the extent it seeks information that is not relevant to the Parties' claims or defenses.

Subject to and without waiving the foregoing objections, Defendant incorporates its objections and response to Interrogatory No. 12, and adds that its counsel has reviewed the allegedly infringing uses of the Work. No subsequent responsive actions have been taken because the allegedly infringing uses of the Work qualify as fair use.

Dated: June 17, 2025

DORSEY & WHITNEY LLP

By: /s/ J. Michael Keyes  
J. Michael Keyes (SBN 262281)  
*keyes.mike@dorsey.com*  
Connor J. Hansen (*pro hac vice*)  
*hansen.connor@dorsey.com*  
Dylan J. Harlow (*pro hac vice*)  
*harlow.dylan@dorsey.com*  
Columbia Center  
701 Fifth Avenue, Suite 6100  
Seattle, WA  
Telephone: 206.903.8800  
Facsimile: 206.903.8820

DORSEY & WHITNEY LLP  
Kent J. Schmidt (SBN 195969)  
*schmidt.kent@dorsey.com*  
600 Anton Boulevard, Suite 200  
Costa Mesa, CA 92626  
Telephone: 714.800.1400  
Facsimile: 714.800.1499

*Attorneys for Defendant TikTok, Inc.*

**EXHIBIT “D”**

1 Subject to and without waiving the foregoing objections, denied.

2 **REQUEST FOR ADMISSION NO. 9:**

3 Admit that Defendant did not remove from publication and/or display any of  
4 the photographs comprising the Work for at least one (1) month after its receipt of  
5 the DMCA Takedown Notice.

6 **RESPONSE:** Defendant incorporates each of the General Objections herein.  
7 Defendant objects to this Request as vague and ambiguous to the extent it seeks  
8 information relating to removal of photographs when the alleged infringement relates  
9 to videos posted to TikTok. Defendant interprets this Request as seeking information  
10 relating to the allegedly infringing uses of Plaintiff's Works identified in Exhibit N  
11 to the Second Amended Complaint.

12 Subject to and without waiving the foregoing objections, admitted.

13 **REQUEST FOR ADMISSION NO. 10:**

14 Admit that Defendant did not remove from publication and/or display any of  
15 the photographs comprising the Work for at least two (2) months after its receipt of  
16 the DMCA Takedown Notice.

17 **RESPONSE:** Defendant incorporates each of the General Objections herein.  
18 Defendant objects to this Request as vague and ambiguous to the extent it seeks  
19 information relating to removal of photographs when the alleged infringement relates  
20 to videos posted to TikTok. Defendant interprets this Request as seeking information  
21 relating to the allegedly infringing uses of Plaintiff's Works identified in Exhibit N  
22 to the Second Amended Complaint.

23 Subject to and without waiving the foregoing objections, admitted.

24 **REQUEST FOR ADMISSION NO. 11:**

25 Admit that Defendant did not remove from publication and/or display any of  
26 the photographs comprising the Work for at least three (3) month after its receipt of  
27 the DMCA Takedown Notice.

1 **RESPONSE:** Defendant incorporates each of the General Objections herein.  
2 Defendant objects to this Request as vague and ambiguous to the extent it seeks  
3 information relating to removal of photographs when the alleged infringement relates  
4 to videos posted to TikTok. Defendant interprets this Request as seeking information  
5 relating to the allegedly infringing uses of Plaintiff's Works identified in Exhibit N  
6 to the Second Amended Complaint.

7 Subject to and without waiving the foregoing objections, admitted.

8 **REQUEST FOR ADMISSION NO. 12:**

9 Admit that Defendant did not remove from publication and/or display any of  
10 the photographs comprising the Work for at least six (6) month after its receipt of the  
11 DMCA Takedown Notice.

12 **RESPONSE:** Defendant incorporates each of the General Objections herein.  
13 Defendant objects to this Request as vague and ambiguous to the extent it seeks  
14 information relating to removal of photographs when the alleged infringement relates  
15 to videos posted to TikTok. Defendant interprets this Request as seeking information  
16 relating to the allegedly infringing uses of Plaintiff's Works identified in Exhibit N  
17 to the Second Amended Complaint.

18 Subject to and without waiving the foregoing objections, admitted.

19 **REQUEST FOR ADMISSION NO. 13:**

20 Admit that Defendant did not remove from publication and/or display any of  
21 the photographs comprising the Work for at least one (1) year after its receipt of the  
22 DMCA Takedown Notice.

23 **RESPONSE:** Defendant incorporates each of the General Objections herein.  
24 Defendant objects to this Request as vague and ambiguous to the extent it seeks  
25 information relating to removal of photographs when the alleged infringement relates  
26 to videos posted to TikTok. Defendant interprets this Request as seeking information  
27 relating to the allegedly infringing uses of Plaintiff's Works identified in Exhibit N  
28

1 to the Second Amended Complaint.

2 Subject to and without waiving the foregoing objections, admitted.

3 **REQUEST FOR ADMISSION NO. 14:**

4 Admit that, after receiving the DMCA Takedown Notice, each photograph  
5 comprising the Work was not removed from the Platform expeditiously.

6 **RESPONSE:** Defendant incorporates each of the General Objections herein.  
7 Defendant objects to this Request as vague and ambiguous to the extent the term  
8 “expeditiously” is not defined. Defendant objects to this Request as argumentative  
9 and improper, including because it seeks a legal conclusion or admission on a legal  
10 principle to be determined in this case. Defendant objects to this Request as vague  
11 and ambiguous to the extent it seeks information relating to removal of photographs  
12 when the alleged infringement relates to videos posted to TikTok.

13 **REQUEST FOR ADMISSION NO. 15:**

14 Admit that you did not enforce your policies and/or producers with respect to  
15 DMCA Takedown Notices.

16 **RESPONSE:** Defendant incorporates each of the General Objections herein.  
17 Defendant objects to this Request as vague and ambiguous to the extent it does not  
18 identify the “policies and/or procedures” that are the subject of this Request.

19 Subject to and without waiving the foregoing objections, denied.

20 **REQUEST FOR ADMISSION NO. 16:**

21 Admit that you own copyrights.

22 **RESPONSE:** Defendant incorporates each of the General Objections herein.  
23 Defendant objects to this Request as irrelevant to any claims or defense in this action.  
24 Defendant objects to this Request to the extent it relates to information that is publicly  
25 available and easily accessible to Plaintiff. Defendant objects to this Request as  
26 vague and ambiguous to the extent “you” is undefined; Defendant interprets “you”  
27 as referring to TikTok, Inc.